

Lesley Mills

Good morning Senator Prague, Representative Serra and Members

"There are only four kinds of people in this world.

Those who **have been** caregivers,

those **who are** caregivers,

those **who will be** caregivers, and

those **who will need** caregivers."

Rosalynn Carter said that. Who could disagree.

I'm not here today to talk about the **myriad benefits** of home care.
Since you chose to serve on this committee, you're already sold.

My name is **Lesley Mills**. I own 5 offices of Griswold Home Care.

I'm here to testify **on behalf of HB5439** with our proposed amendments.

There are **two forms** of business for home care providers:

The Full-Payroll Model, where an agency treats the caregiver as an employee.

AND the Registry Model,- where each consumer pays the caregiver and the Registry separately and may file a 1099.
Typically, workers are not protected with
workers' compensation or unemployment insurance

For 30 years, **The Griswold Home Care Model** has offered a unique hybrid between
the **Full Payroll and Registries**.

This stems from our founders **Reverend Lincoln Griswold** and his wife, **Dr. Jean Griswold**.

Inherent in our mission is the belief that a critical component of home care **is**
protecting the workers as well as providing affordable care.

No Registry, including Griswold, pays the caregivers' wages.

Section 1 of the bill, proposes that Registry caregivers
be covered with some unemployment insurance. **We agree.**

Section 2 proposes that Registries be responsible for caregiver wages. **We respectfully disagree.**

Approval of this section will destroy the Registry model and, with it,
all the cost savings that are passed on to consumers.

It will force us to withdraw from providing indigent care.

We support the Connecticut Association of Home Care Registries in its appeal
to protect the separate payments of caregivers and Registries by consumers.

Section 3 proposes that Registries protect their caregivers with workers' comp. **We agree.**

Griswold has always paid for worker's comp (over \$1 million in recent years).

I'm glad we choose to do so.

The accidents we have covered would have bankrupted our caregiver families.

Very few caregivers have health insurance; it's why I advocated for Sustinet.

We cannot have a strong health care system of any nature
without supporting our caregivers.

Homecare workers are among the lowest paid of any industry.

They are our working class and they *work hard*.

Our wages start at \$12.45 per hour, others in the industry start as low as the
minimum wage, 30% less.

We also protect our clients with a 17-step screening process, including national background checks; we
choose fewer than 1 in 10 applicants.

I have submitted letters from East Rock Village in New Haven and from the Agencies on Aging who administer Medicaid.

They urge that you consider the Griswold Home Care Model because they know that we **cannot continue to provide indigent** services with the additional overhead that the full payroll model brings.

And good providers for the indigent are in short supply.

In summary, we propose

To preserve the Registry model

And to protect the caregivers with unemployment
and workers' comp.

**I have submitted the amendments to HB 5439
to reflect the protection of Registries with the Griswold Home Care Model.**

General Assembly

February Session, 2012

Raised Bill No. 5439

LCO No. 1941



Referred to Committee on Aging

Introduced by:

(AGE)

AN ACT CONCERNING THE EMPLOYERS OF INDIVIDUALS PROVIDING HOMEMAKER SERVICES, COMPANION SERVICES AND HOMEMAKER-HOME HEALTH AIDE SERVICES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. (NEW) (*Effective January 1, 2013*) For purposes of chapter 567 of the general statutes, a homemaker-companion agency, as defined in section 20-670 of the general statutes, registry, as defined in section 20-670 of the general statutes, or homemaker-home health aide agency, as defined in section 19a-490 of the general statutes, shall be deemed the employer of an individual such agency or registry supplied or referred to a consumer to provide (1) homemaker services, as defined in section 20-670 of the general statutes, (2) companion services, as defined in section 20-670 of the general statutes, or (3) homemaker-home health aide services, as defined in section 19a-490 of the general statutes, and such agency or registry shall be liable for the payment of unemployment contributions for such individual during the duration of time he or she provides said services to the consumer. Any person or entity engaged in the business of supplying or referring an individual to or placing an individual with a consumer to provide homemaker services, companion services or homemaker-home health aide services provided by such individual when the individual providing such services is either (A) directly compensated, in whole or in part, by the consumer, or (B) treated, referred to or considered by such person or entity as an independent contractor, shall not be deemed the employer of such individual for purposes of chapter 567 of the general statutes prior to the effective date of this Section 1.

Sec. 2. (NEW) (*Effective January 1, 2013*) (a) As used in this section:

- (1) "Homemaker-companion agency" means homemaker-companion agency, as defined in section 20-670 of the general statutes;
- (2) "Registry" means registry, as defined in section 20-670 of the general statutes;
- (3) "Homemaker-home health aide agency" means homemaker-home health aide agency, as defined in section 19a-490 of the general statutes;

Deleted: Sec. 2. (NEW) (*Effective January 1, 2013*) For purposes of chapter 558 of the general statutes, a homemaker-companion agency, as defined in section 20-670 of the general statutes, registry, as defined in section 20-670 of the general statutes, or homemaker-home health aide agency, as defined in section 19a-490 of the general statutes, shall be deemed the employer of an individual such agency or registry supplied or referred to a consumer to provide (1) homemaker services, as defined in section 20-670 of the general statutes, (2) companion services, as defined in section 20-670 of the general statutes, or (3) homemaker-home health aide services, as defined in section 19a-490 of the general statutes, and such agency or registry shall be responsible for the payment of wages to such individual during the duration of time he or she provides said services to the consumer.¶

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(4) "Homemaker services" means homemaker services, as defined in section 20-670 of the general statutes;

(5) "Companion services" means companion services, as defined in section 20-670 of the general statutes;

(6) "Homemaker-home health aide services" means homemaker-home health aide services, as defined in section 19a-490 of the general statutes;

(7) "Consumer" means an individual receiving homemaker services, companion services or homemaker-home health aid services from a homemaker-companion agency, registry or homemaker-home health aide agency; and

(8) "Covered provider" means a homemaker-companion agency, registry, or homemaker-home health aide agency providing homemaker services, companion services or homemaker-home health aid services.

(b) For purposes of chapter 568 of the general statutes, an individual supplied or referred by a covered provider to a consumer to provide homemaker services, companion services or homemaker-home health aid services shall be deemed an employee of (1) except as provided in subdivision (2) of this subsection, such covered provider, regardless of the number of hours worked, and shall be liable for compensation under chapter 568 of the general statutes for such individual during the duration of time he or she provides said services to the consumer, and (2) such consumer solely for the purposes of subsection (a) of section 31-284 of the general statutes, and such consumer shall be deemed to be in compliance with subsection (b) of said section, except that the requirements of subsection (b) of said section 31-284 shall be the responsibility of the covered provider.

(c) The consumer's exemption from liability under subsection (a) of section 31-284 of the general statutes, including any liability for third-party lawsuits commenced pursuant to subsection (a) of section 31-293 of the general statutes, shall be extended to (1) members of the consumer's immediate family or household, and (2) any individual acting as a conservator of the person, as defined in section 45a-644 of the general statutes or acting under other legal authority to make decisions for the consumer regarding their medical or personal care.

Sec. 3. Subdivision (9) of section 31-275 of the 2012 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2013*):

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(9) (A) "Employee" means any person who:

- (i) Has entered into or works under any contract of service or apprenticeship with an employer, whether the contract contemplated the performance of duties within or without the state;
- (ii) Is a sole proprietor or business partner who accepts the provisions of this chapter in accordance with subdivision (10) of this section;
- (iii) Is elected to serve as a member of the General Assembly of this state;
- (iv) Is a salaried officer or paid member of any police department or fire department;
- (v) Is a volunteer police officer, whether the officer is designated as special or auxiliary, upon vote of the legislative body of the town, city or borough in which the officer serves;
- (vi) Is an elected or appointed official or agent of any town, city or borough in the state, upon vote of the proper authority of the town, city or borough, including the elected or appointed official or agent, irrespective of the manner in which he or she is appointed or employed. Nothing in this subdivision shall be construed as affecting any existing rights as to pensions which such persons or their dependents had on July 1, 1927, or as preventing any existing custom of paying the full salary of any such person during disability due to injury arising out of and in the course of his or her employment;
- (vii) Is an officer or enlisted person of the National Guard or other armed forces of the state called to active duty by the Governor while performing his or her active duty service; or
- (viii) Is elected to serve as a probate judge for a probate district established in section 45a-2.

(B) "Employee" shall not be construed to include:

- (i) Any person to whom articles or material are given to be treated in any way on premises not under the control or management of the person who gave them out;
- (ii) One whose employment is of a casual nature and who is employed otherwise than for the purposes of the employer's trade or business;
- (iii) A member of the employer's family dwelling in his house; but, if, in any contract of insurance, the wages or salary of a member of the employer's family dwelling in his house is included in the payroll on which the premium is based, then that person shall, if he sustains an injury arising out of and in the course of his employment, be deemed an employee and compensated in accordance with the provisions of this chapter;

(iv) [Any] Except as provided in section 3 of this act, any person engaged in any type of service in or about a private dwelling provided he is not regularly employed by the owner or occupier over twenty-six hours per week;

(v) An employee of a corporation who is a corporate officer and who elects to be excluded from coverage under this chapter by notice in writing to his employer and to the commissioner; or

(vi) Any person who is not a resident of this state but is injured in this state during the course of his employment, unless such person (I) works for an employer who has a place of employment or a business facility located in this state at which such person spends at least fifty per cent of his employment time, or (II) works for an employer pursuant to an employment contract to be performed primarily in this state.

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This act shall take effect as follows and shall amend the following sections:

Section 1	<u>January 1, 2013</u>	New section
Sec. <u>2</u>	<u>January 1, 2013</u>	New section
Sec. <u>3</u>	<u>January 1, 2013</u>	31-275(9)

Deleted: Sec. 2

... [1]

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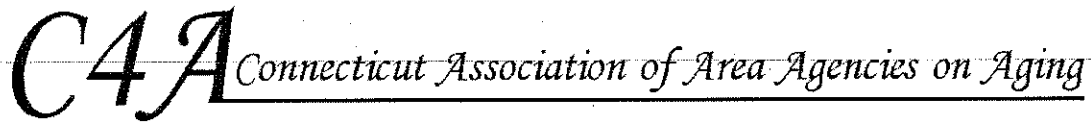
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Statement of Purpose:

To designate a homemaker-companion agency, registry or homemaker-home health agency as the employer of individuals providing certain services to consumers for the purposes of unemployment compensation and workers' compensation, and remove liability for such individual's personal injuries arising out of and in the course of employment from the consumer.

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[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]



To: Senator Prague, Representative Serra, and Members of the Committee on Aging

Raised Bill 5439

***AN ACT CONCERNING THE EMPLOYERS OF INDIVIDUALS PROVIDING
HOMEMAKER SERVICES, COMPANION SERVICES AND HOMEMAKER-HOME
HEALTH AIDE SERVICES.***

The Access Agencies in the Southwestern and South Central Connecticut support the concept of holding Home Care Registries responsible for the payment of unemployment contributions on behalf of the consumer's employee as described in Section 1 of Raised Bill 330. However, requiring Registries to assume full payroll authority will drive up the cost of services and thereby limit access to assistance for some consumers. A provision that permits Registries fulfilling the requirement as described in Section 1 and leaves the full payroll authority with the care recipient would promote the State's goal of community-based service options by maintaining the qualifying Registries' pool of qualified, capable caregivers in the community.

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